

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RAPPAHANNOCK COUNTY, VIRGINIA, a)
political subdivision of the Commonwealth of)
Virginia,)
)
Plaintiff,)
)
v.)
)
ERIC H. HOLDER, JR., the Attorney General of)
the United States of America, and THOMAS E.)
PEREZ, Assistant Attorney General, Civil Rights)
Division, United States Department of Justice,)
)
Defendants.)
)

NO. 1:11-CV-1123-JEB-KLH-RMC
Three-Judge Court

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE

Plaintiff Rappahannock County (“the County”) and Defendants Eric H. Holder, Jr., Attorney General of the United States, and Thomas E. Perez, Assistant Attorney General, Civil Rights Division (collectively, “the Attorney General”), through counsel, respectfully move this three-judge Court for entry of the attached Consent Judgment and Decree. As grounds for this motion, the parties would show the following:

1. This action was initiated on June 17, 2011 by the County against the Attorney General, pursuant to Section 4(a) of the Voting Rights Act, 42 U.S.C. § 1973b(a). In this litigation, the County seeks to demonstrate that it meets the statutory requirements of Section 4(a), to allow for bailout from coverage under Section 4(b) of the Act, 42 U.S.C. § 1973b(b). A declaratory judgment granting bailout exempts the jurisdiction from the preclearance requirements of Section 5 of the Act, 42 U.S.C. § 1973c.

2. As required by Section 4(a)(9) of the Act, 42 U.S.C. § 1973b(a)(9), the Attorney General has conducted an independent investigation of the County to determine if it has satisfied the necessary requirements for a bailout under Section 4(a). As a result of that investigation, and also based on information provided to the Attorney General by the County, the Attorney General has determined that the County meets all of the requirements of Section 4(a) and has determined that the Attorney General would consent to a declaratory judgment granting bailout to the County under Section 4(a).

3. The parties have conferred concerning a resolution of this litigation and have agreed on the terms of the attached Consent Judgment and Decree, which if entered by this Court, will grant the requested bailout to Rappahannock County.

4. The enclosed Consent Judgment and Decree is similar to those that have been entered by three-judge courts in other declaratory judgment actions brought in this Court under Section 4 of the Voting Rights Act. *See, e.g., City of Sandy Springs v. Holder*, No. 1:10-cv-1502 (D.D.C. Oct. 26, 2010); *City of Kings Mountain v. Holder*, No. 1:10-cv-1153 (D.D.C. Oct. 22, 2010); *Nw. Austin Mun. Util. Dist. No. One v. Holder*, No. 1:06-cv-1384 (D.D.C. Nov. 3, 2009); *Amherst County v. Mukasey*, No. 08-0780 (D.D.C. Aug. 13, 2008); *Middlesex County v. Gonzales*, No. 07-1485 (D.D.C. Jan. 7, 2008).

5. The parties request that this Court wait 30 days after the filing of this motion before approving the Consent Judgment and Decree. During that time, the proposed settlement will be publicized pursuant to Section 4(a)(4) of the Act, 42 U.S.C. § 1973(a)(4).

For the reasons above and as set forth in the attached Consent Judgment and Decree, the parties respectfully submit that this Joint Motion should be granted and the attached Consent Judgment and Decree entered.

Respectfully submitted,

For the Plaintiff
RAPPAHANNOCK COUNTY:

/s/ J. Gerald Hebert by EAM as authorized

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Dated: July 7, 2011

**For the Defendant ATTORNEY GENERAL OF
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Dated: July 7, 2011

CERTIFICATE OF SERVICE

I hereby certify that, on July 7, 2011, I served a copy of the foregoing Joint Motion for Entry of Consent Judgment and Decree through the Court's ECF system on the following counsel of record for Plaintiff:

J. Gerald Hebert
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/s/ Ernest A. McFarland
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